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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ross Mervyn Nosworthy

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EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,498	<b>Applicant(s)</b> NOSWORTHY ET AL.	
	<b>Examiner</b> VAUGHN T. COOLMAN	<b>Art Unit</b> 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20041210</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10 and 13 each depend from themselves due to the renumbering by applicant. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Piatti (U.S. Patent No. 6,183,000 B1).**

**[claim 1]** Piatti discloses a composite board (FIGS 11-17) including:

a core (111) having upper and lower surfaces and at least one aperture extending therebetween (formed by 120);

at least one upper reinforcing layer (112) disposed on the upper surface of the core and at least one lower reinforcing layer (113) disposed on the lower surface of the core, the upper and

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lower reinforcing layers each including at least one aperture extending therethrough, the apertures in the upper and lower reinforcing layers being in *substantial* alignment with each other and with the aperture or apertures in the core;

at least one tie member (120) passing through the substantially aligned apertures, each said tie member having a first end portion protruding through said aligned apertures from said upper reinforcing layer and a second end portion protruding through said aligned apertures from said lower reinforcing layer, said first and second end portions being secured to a surface of said respective layers (shown in FIG 12).

**[claim 2]** Piatti further shows an additional reinforcing layer (115, 116) being provided on the upper and lower reinforcing layers.

**[claim 5]** Piatti further shows a pair of tie members being provided in said aligned apertures.

**[claim 6]** Piatti further discloses the core being made from foam (column 4, lines 25-30).

**[claim 7]** Piatti further discloses the board being impregnated with resin (column 3, lines 1-3).

**Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bert (U.S. Patent No. 6,527,284 B2).**

**[claim 1]** discloses a composite board (FIGS 1 and 2) including:

a core (bottom two layers of 22) having upper and lower surfaces and at least one aperture extending therebetween (11);

at least one upper reinforcing layer (24) disposed on the upper surface of the core and at least one lower reinforcing layer (portion of truck 9) disposed on the lower surface of the core, the upper and lower reinforcing layers each including at least one aperture extending therethrough, the apertures in the upper and lower reinforcing layers being in substantial alignment with each other and with the aperture or apertures in the core;

at least one tie member (12) passing through the substantially aligned apertures, each said tie member having a first end portion protruding through said aligned apertures from said upper reinforcing layer and a second end portion protruding through said aligned apertures from said lower reinforcing layer, said first and second end portions being secured to a surface of said respective layers (interior surface).

**[claim 2]** Bert further discloses an additional reinforcing layer being provided on the upper (second from top layer in 22) and lower (21) reinforcing layers.

**[claim 3]** Bert further shows the additional reinforcing layers each being provided with at least one aligned aperture for accommodating the at least one tie member.

**[claim 14]** Bert further discloses a skateboard having a deck formed from the composite board of claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piatti.**

**[claim 4]** Piatti discloses the tie member being formed from “nylon, carbon, Kevlar or glass or other materials”. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize triaxial e-glass for the tie member due to the unique material properties of said triaxial e-glass in order to provide the advantage of strengthening the board without adversely affecting the necessary flexibility of said board.

**[claims 8-13]** Piatti discloses all of the limitations of the claimed invention as described above except for explicitly stating the specific glass materials for the reinforcing layers or the orientation of the glass in said layers. Piatti does state that the reinforcing layers are “made of glass, dry composite material, fabric, or the like which are impregnated with plastic resins, such as [] epoxy resins and the like”(column 3, lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose “biaxial or unidirectional” filament layers, fiberglass material layers, carbon fabric layers, or specific glass layers based on the specific material properties and the desired characteristics of each layer in combination with the core and tie members. The performance of these layers, one or two on each of said upper and lower surfaces) of varying materials would be discovered through routine experimentation by one of ordinary skill, and is therefore obvious.

**[claim 14]** Piatti discloses the manufacture of various types of skis. Skis are obviously analogous to skateboards and one of ordinary skill in the art at the time the invention was made would recognize the obvious parallels to the manufacture of skateboards. Therefore, it would

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have been obvious to also produce a skateboard having a deck formed from the composite board disclosed by Piatti.

***Allowable Subject Matter***

Claim 15 is allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892 for prior art references teaching or disclosing aspects of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/  
Supervisory Patent Examiner, Art Unit 3618

VAUGHN T COOLMAN  
Examiner  
Art Unit 3618

/V. T. C./  
Examiner, Art Unit 3618